

SECOND REGULAR SESSION

# HOUSE BILL NO. 1991

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES NAEGER, CUNNINGHAM, PHILLIPS, HUNTER (Co-sponsors),  
DOLAN, REINHART AND SCHWAB.

Read 1<sup>st</sup> time February 19, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3546L.011

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### AN ACT

To repeal sections 162.621, 163.161, and 167.231, RSMo, and to enact in lieu thereof five new sections relating to the transportation of pupils to all schools.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 162.621, 163.161, and 167.231, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 135.755, 162.621, 163.161, 167.231, and 167.235, to read as follows:

**135.755. Beginning January 1, 2003, and for all taxable years thereafter, any person residing in this state who pays a fee required pursuant to section 167.235, RSMo, for the transportation of any nonpublic school student shall receive a tax credit which shall be known as the "School Transportation Credit". The school transportation credit shall be equal to the total amount of all fees paid in a taxable year pursuant to section 167.235, RSMo, and such credit may be applied to any taxes due for such taxable year pursuant to chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo. The director of revenue shall promulgate such rules and regulations as are necessary to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.**

162.621. 1. The board of education shall have general and supervising control, government and management of the public schools and public school property of the district in the city and shall exercise generally all powers in the administration of the public school system [therein] **in the district**. The board of education has all the powers of other school districts

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

5 under the laws of this state except as [herein] provided **in sections 162.571 to 162.666** and shall  
6 perform all duties required by general laws of school districts so far as they are applicable to the  
7 public school affairs of the city and are consistent with [this law] **sections 162.571 to 162.666**.  
8 It shall appoint the officers, agents and employees it deems necessary and proper and fix their  
9 compensation. The board of education may:

10 (1) Make, amend and repeal rules and bylaws for its meetings and proceedings, for the  
11 government, regulation and management of the public schools and school property in the city,  
12 for the transaction of its business, and the examination, qualification and employment of  
13 teachers, which rules and bylaws are binding on the board of education and all parties dealing  
14 with it until formally repealed;

15 (2) Fix the time of its meetings;

16 (3) Provide for special and standing committees;

17 (4) Levy taxes authorized by law for school purposes;

18 (5) Invest the funds of the district;

19 (6) Purchase and hold all property, real and personal, deemed by it necessary for the  
20 purposes of public education;

21 (7) Build and construct improvements for such purposes, and sell the same;

22 (8) Provide for the gratuitous transportation of pupils to and from **public, private, and**  
23 **parochial** schools in cases where by reason of special circumstances pupils are required to attend  
24 schools at unusual distances from their residences.

25 2. Except as otherwise provided in this subsection, the powers granted in subsection 1  
26 of this section shall be vested, in the manner provided in section 162.1100, in the special  
27 administrative board of the transitional school district containing the city not within a county if  
28 the school district loses its accreditation from the state board of education. Thereafter, such  
29 powers shall immediately revert to the board of directors of the school district for any period of  
30 time for which no transitional school district containing the city not within a county is in  
31 existence. The board of directors of the school district shall, at all times, retain auditing and  
32 public reporting powers.

163.161. 1. Any school district which makes provision for transporting pupils as  
2 provided in section 162.621, RSMo, and sections 167.231 and 167.241, RSMo, shall receive  
3 state aid for the ensuing year for such transportation on the basis of the cost of pupil  
4 transportation services provided the current year. A district shall receive, pursuant to section  
5 163.031, an amount not greater than seventy-five percent of the allowable costs of providing  
6 **public school** pupil transportation services to and from school and to and from public accredited  
7 vocational courses, **and an amount not greater than one hundred percent of allowable**  
8 **additional costs for providing transportation services to pupils who attend private or**

9 **parochial schools**, and shall not receive an amount per pupil greater than one hundred  
10 twenty-five percent of the state average approved cost per pupil transported the second preceding  
11 school year, except when the state board of education determines that sufficient circumstances  
12 exist to authorize amounts in excess of the one hundred twenty-five percent of the state average  
13 approved cost per pupil transported the second previous year.

14 2. The state board of education shall determine public school district route approval  
15 procedures to be used by each public school district board of education to approve all bus routes  
16 or portions of routes and determine the total miles each public school district needs for safe and  
17 cost-efficient transportation of the pupils and the state board of education shall determine  
18 allowable costs **and the additional allowable costs for the transportation of pupils attending**  
19 **private or parochial school**. No state aid shall be paid for the costs of transporting pupils living  
20 less than one mile from the school. However, if the state board of education determines that  
21 circumstances exist where no appreciable additional expenses are incurred in transporting pupils  
22 living less than one mile from school, such pupils may be transported without increasing or  
23 diminishing the district's entitlement to state aid for transportation.

24 3. State aid for transporting handicapped and severely handicapped students attending  
25 classes within the school district or in a nearby district under a contractual arrangement shall be  
26 paid in accordance with the provisions of section 163.031 and an amount equal to seventy-five  
27 percent of the additional cost of transporting handicapped and severely handicapped students  
28 above the average per pupil cost of transporting all students of the district shall be apportioned  
29 pursuant to section 163.031 where such special transportation is approved in advance by the  
30 department of elementary and secondary education. State aid for transportation of handicapped  
31 and severely handicapped children in a special school district shall be seventy-five percent of  
32 allowable costs as determined by the state board of education which may for sufficient reason  
33 authorize amounts in excess of one hundred twenty-five percent of the state average approved  
34 cost per pupil transported the second previous year. **Except as provided in subsection 1 of this**  
35 **section**, in no event shall state transportation aid exceed seventy-five percent of the total  
36 allowable cost of transporting all pupils eligible to be transported; provided that no district shall  
37 receive reduced reimbursement for costs of transportation of handicapped and severely  
38 handicapped children based upon inefficiency.

39 4. No state transportation aid received pursuant to section 163.031 shall be used to  
40 purchase any school bus manufactured prior to April 1, 1977, that does not meet the federal  
41 motor vehicle safety standards.

167.231. 1. Within all school districts except metropolitan districts the board of  
2 education shall provide transportation to and from school for all pupils **attending public,**  
3 **private, and parochial schools** living more than three and one-half miles from **such** school and

4 may provide transportation for all pupils. State aid for transportation shall be paid as provided  
5 in section 163.161, RSMo, only on the basis of the cost of pupil transportation for those pupils  
6 living one mile or more from school, including transportation provided to and from publicly  
7 operated university laboratory schools **and private and parochial schools**. The board of  
8 education may provide transportation for pupils living less than one mile from school at the  
9 expense of the district and may prescribe reasonable rules and regulations as to eligibility of  
10 pupils for transportation. If no increase in the tax levy of the school district is required to  
11 provide transportation for pupils living less than one mile from the school, the board may  
12 transport [said] **such** pupils. If an increase in the tax levy of the school district is required to  
13 provide transportation for pupils living less than one mile from school, the board shall submit  
14 the question at a public election. If a two-thirds majority of the voters voting on the question at  
15 the election are in favor of providing the transportation, the board shall arrange and provide  
16 [therefor] **such transportation**.

17 2. The proposal and the ballots may be in substantially the following form:

18 Shall the board of education of the ..... school district provide transportation at the  
19 expense of the district for pupils living less than one mile from **a public, private, or parochial**  
20 school and be authorized to levy an additional tax of ..... cents on the one hundred dollars  
21 assessed valuation to provide funds to pay for such transportation service?

22 ☐ YES

☐ NO

23  
24 (If you are in favor of the proposition (or question), place an X in the box opposite "YES". If  
25 you are opposed to the proposition (or question), place an X in the box opposite "NO".)

26 3. The board of education of any school district may provide transportation to and from  
27 **any** school for any public, **private, or parochial** school pupil not otherwise eligible for  
28 transportation under the provisions of state law, and may prescribe reasonable rules and  
29 regulations as to eligibility for transportation, if the parents or guardian of the pupil agree in  
30 writing to pay the actual cost of transporting the pupil. The minimum charge would be the actual  
31 cost of transporting the pupil for ninety school days, which actual cost is to be determined by the  
32 average per pupil cost of transporting children in the school district during the preceding school  
33 year. The full actual cost shall be paid by the parent or guardian of the pupil and shall not be  
34 paid out of any state school aid funds or out of any other revenues of the school district. The cost  
35 of transportation may be paid in installments, and the board of education shall establish the cost  
36 of the transportation and the time or times and method of payment.

**167.235. 1. If the board of education of the school district provides transportation  
2 to public school students pursuant to section 162.621, RSMo, then the board shall provide  
3 transportation for all elementary and secondary students who reside and attend school**

4 within the boundaries of such school district. The school district may charge a fee for the  
5 transportation of nonpublic school students; provided, however, the fee shall not exceed  
6 the rate allowed for public school students as determined pursuant to the provisions of  
7 section 163.161, RSMo.

8       2. If a parent or guardian provides transportation for a child, where no public or  
9 contracted pupil transportation service is available for the purpose of transporting that  
10 child to a private, parochial, or public school outside of the school district in which the  
11 child resides, then the parent or guardian upon a showing of proof to the department of  
12 revenue shall receive a tax credit for those transportation costs to a school outside of the  
13 district pursuant to section 135.755, RSMo, in an amount not to exceed the amount  
14 established by the school district where the child resides for transportation within the  
15 district.

16       3. Nothing in this section shall require any school district to provide transportation  
17 to any pupil outside of such school district's boundaries.